Sectt. II-27—45,004—14-11-29.

(1930) Department.

Land (Education)

SERIES.

G.O. No. 1538

DATED 5-8-1930

Grants - Building - Kanara High School, Mangalore - legal expenses payment as supplementary - Orders passed.

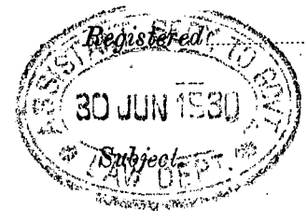
R 2147 3 B

30.6.30

Educational

DEPARTMENT.

Received 19



Building grant- Kanara High School, Mangalore.

ENCLOSURES.
No. .....
.....
Spare copies .....

R.C. No. 1600 D/26

Station M a'd r a s *Dated the* 26- 6- 30 19 .

From (Name) W.E.Smith Esq., M.A.,

(Designation) Ag.Director of Public Instruction

M a d r a s.

To The Secretary to the Government of Madras,

Law(Education) Department.

Sir,

I have the honour to invite your attention to G.O.No. 964 Mis. L.E. dated 30-4-1928, approving a scheme for the purchase of a building and site for the Kanara High School, Mangalore, and to state that the management have effected the purchase and have applied to me for a grant on the purchase. They have also requested grant for the expenditure incurred in connection with the registration of the mortgage deed and the Government Solicitor's fee. A grant towards this expenditure is admissible in the light of G.O.No. 628 L.E. dated 7-4-1930. But according to G.O.No. 964 Mis.L.E. dated 30-4-1928 the maximum grant payable is

only Rs.11,692/- and it is not therefore clear whether the grant admissible under G.O.No. 628 L.E. dated 7-4-1930 for registration ~~etc.,~~ charges etc., may be paid by me independently of G.O.No 964 Mis. L.E. dated 30-4-1928, as a supplementary grant, or whether it is necessary that the latter G.O. should be revised (2) by Government so as to enhance the grant to be paid by the amount to which the management will be eligible on account of registration and other legal charges.

2. I, therefore, request the favour of orders as to whether I may sanction the supplementary grants towards the cost of execution of the deeds, etc., in respect of the various schemes which come up, in addition to the amounts already sanctioned by Government, or whether special Government sanction is to be sought in each case. I submit that the former course would be simpler and would save correspondence and delay.

I have the honour to be,

Sir

Your most obedient servant,

H V Saunders 28/6

for Director of Public Instruction.

a.r. 27/6/30

Education dept.

C.No:1493 B From the D.P.I, R.C.No:1600 D/26 d/

Grant-Building-Kanara High School, Mangalore.

In G.O.No: 964 L.E d/ 30-4-1928, the Govt sanctioned a grant not exceeding Rs 11,692 for the purchase of a site and buildings required for the extension of the Kanara High school, Mangalore. The D.P.I enquires whether with reference to G.O.No: 628 Edn d/ 7-4-30 a grant may be sanctioned towards the registration and other legal expenses connected with the execution of a mortgage deed by the management of the school. It has been proposed separately that the G.O. quoted above should have retrospective effect from 1-9-28 and should apply to schemes included in the list of approved works between 1-9-28 and 7-4-30 also. As however orders sanctioning the inclusion of the building scheme relating to the Kanara High school in the list of approved works were issued on 30-4-28 i.e prior to 1-9-28 a grant for legal expenses cannot be paid to the school under G .O No: 628 d/ 7-4-30.

2. Prior to the issue of G.O.No:628 Edn d/ 7-4-30 the position was as shown below:-

(a) The Govt Solicitor was permitted to charge fees, not exceeding one per cent of the grant sanctioned, for the examination of titles in connection with building grants sanctioned for educational institutions, Art:53-ii of the Grant-in-Aid Code); and

(b) one-half of the legal expenses connected with a grant for the purchase of land or buildings for educational institutions was borne by the Govt(para 2 of G.O.1324 Edn d/ 23-10-27) The term 'legal expenses' in G.O.No:1324 d/ 23-10-27 may be

taken to refer to stamp duty, Solicitor's fees, and registration charges. Under the orders of 1917 therefore one half of the stamp duty and registratic charges were being borne by Govt. The effect of th orders in G.O.No:628 Edn d/ 7-4-30 is that the entire stamp duty will, in future, be borne by Govt instead of one half. The D.P.I may be informed that he may sanction a grant under para 2 of G.C.No. 1324 S/23 1/17, ~~dt 23-10-19~~. 3. The Director also enquires (1) whether he grant for legal expenses may be sanctioned by im as supplementary to the grant sanctioned by ovt for the building scheme or (2) whether the specifi sanction of Govt should be obtained to the grant or legal expenses in this and other cases in future. e suggests that the former course is preferable. ie sanction of Govt to the inclusion of a building scheme in the list of approved works is accorded before the work is begun. When the plans and estimates are submitted to Govt for this purpose there is no indication as to what the legal expenses will amount to. The execution of the deed takes place when the work is completed and just before the grant on the last instalment of it is drawn. Grant towards legal expens should therefore be sanctioned as supplementary to the grant for the building scheme. There seems to be no objection to the D.P.I sanctioning this supplementary grant as the scale of grant for legal expenses (full grant for stamp duty and one-half for other charges) is laid down in the Grant-in-Aid Code ~~Aid Code~~. For order whether the D.P.I may be informed accordingly. If so, the draft below is for approval.

It may be sent to the Finance Dept for acceptance before issue.

AS/8/7

Fin

FINANCE DEPARTMENT
21 JUL 1930
GOVT. OF MADRAS

ASST. SECRETARY TO GOVT.
22 JUL 1930
FINANCE DEPT.

22745 Estb
22-7-30

In regard to grants for the purchase of lands or buildings for secondary schools under private management, the Govt. in G.O.1324 Edn. dated 23-10-1' undertook to bear one-half of the "legal expenses' i.e. (1) Stamp duty, (2) Solicitor's fees and registration charges.

para 2 on p.4 of (X)

'M' on pp.1-2 above.

2. Recently, the above procedure was altered slightly in G.O.628 Edn. dated 7-4-1930, according to which the entire Stamp duty, instead of half, will be borne by Govt. in the case of schemes approved by Govt. prior to 1-9-1928.

'B' on p.2 of (X)

see 'K' on p.1 above.

3. Law (Edn) propose to authorise the D.P.I. to sanction expenditure as follows for schemes in the approved list:-

(i) Schemes approved before 1-9-1928. Grants equal to one-half of Stamp duty and other legal expenses.

'L' on p.1 abov

'K' on p.1 above.

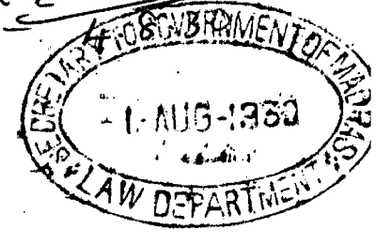
(ii) Schemes approved after 1-9-1928. Grants equal to the entire Stamp duty and one-half of other legal expenses.

4. Submitted that the draft order may be accepted

JY
30.7.30.

From no 22745 Exp-1
31.7.30

D.E. 1789B



Sectt. II-5 (b)—15,006—5-11-2

Education DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied		
When examined		
When signed		
When despatched		

Grants-Buccaneer-Kanara High School-Mangalore-Legal expenses Payment as Supplementary-Orders passed

READ AGAIN G.O. No. 1324 dated 10 1917 (X)
628 4. 1930 (Y)

READ ALSO:-

C. No. 1493B From the D.P.I. No. 16000/24 dated 26-6- 1930

ORDER. No. 1538, dated 5/8/ 1930

Mis

The D.P.I is informed that a grant towards legal expenses in connection with the execution of a mortgage deed by the management of the Kanara High school, Mangalore in respect of the building scheme approved in G.O.No:964 d/30-4-28, may be paid under para 2 of G.O.No:1324 Edn, d/ 23-10-17. This grant may be sanctioned by the D.P.I as supplementary to the building grant admissible under G.O.No:964 d/ 30-4-28.

2. The Director is also informed that the grant for legal expenses admissible under the rules issued with G.O.628 Edn, d/ 7-4-30, may be disbursed by him as supplementary to the grant payable for the building scheme ~~in accordance~~